

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Civil Action No.:

MICHELE INTREGLIA and ANGEL COVARRUBIAS,

Plaintiffs,

-against-

THE TJX COMPANIES, INC.,

Defendant.

NOTICE OF REMOVAL

Suffolk County

Index No.: 6033787/2022

, J.
, M.J.

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TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK:

Defendant, THE TJX COMPANIES, INC. ("TJX"), by its attorneys, SIMMONS JANNACE DELUCA, LLP, Irina Feferman, Esq., of counsel, upon information and belief, respectfully petitions the Court, pursuant to 28 U.S.C. § 1441, as follows:

1. On February 23, 2022, the above-captioned civil action was commenced and is now pending in the Supreme Court of the State of New York, County of Suffolk bearing Index Number 6033787/2022. A trial has not yet been had therein. A copy of the Summons and Verified Complaint is annexed as **Exhibit "A"**.

2. The action seeks monetary damages for injuries allegedly suffered by plaintiffs, MICHELE INTREGLIA and ANGEL COVARRUBIAS. Plaintiffs MICHELE INTREGLIA and ANGEL COVARRUBIAS allege that as a result of TJX's negligence, plaintiff MICHELE INTREGLIA sustained serious and protracted personal injuries.

Plaintiff ANGEL COVARRUBIAS alleges derivative claims for loss of services, society and consortium. See Ex. A at ¶12 and ¶17.

3. The action involves a controversy between citizens of different states, in that: (a) Plaintiffs are citizens of the State of New York; (b) Defendant, TJX is now, and was at the time the action was commenced, a corporation incorporated in the State of Delaware with its principal place of business in the State of Delaware.

4. This action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332. There is complete diversity between TJX and plaintiff.

5. In addition, the amount in controversy exceeds \$75,000. On September 28, 2022, plaintiffs served a Supplemental Response to Combined Demands, including a response to defendant's Demand Pursuant to CPLR 3017(c). Therein, plaintiffs allege that the damages in this matter are in excess of \$100,000. See Supplemental Response to Combined Demands annexed as **Exhibit "B"**.

6. This Notice of Removal is being filed within thirty (30) days after receipt by the petitioner of plaintiffs' written confirmation wherein plaintiffs allege damages in excess of \$75,000.

7. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Supreme Court of the

State of New York, County of Suffolk, promptly after the filing of this Notice.

8. Attached to this Notice, and by reference made a part hereof, are true and correct copies of all process and pleadings filed herein.

9. By filing this Notice of Removal, defendant does not waive any defenses which may be available to it, specifically including, but not limited to, its right to contest *in personam* jurisdiction over Petitioner, improper service of process and the absence of venue in this Court or the Court from which this action has been removed.

WHEREFORE, defendant prays that the above-captioned action now pending in the Supreme Court in the State of New York, County of Suffolk, be removed therefrom to this Court.

Dated: Hauppauge, New York
October 24, 2022

SIMMONS JANNACE DELUCA, LLP

BY:  

Irina Feferman

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THE TJX COMPANIES, INC.

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